

REMARKS

Claims 33-54 are now pending in the application. Claims 1-32 have been previously cancelled and claims 33-44 have been previously withdrawn from consideration. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

REJECTION UNDER 35 U.S.C. §103

Claims 45-48 and 50-52 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Slivka (U.S. Pre-Grant Publication No. 2003/0225600; hereinafter "Slivka") in view of Yu (U.S. Pat. No. 6,314,361; hereinafter "Yu") in further view of Official Notice. This rejection is respectfully traversed.

Initially it will be noted that a minor amendment has been made to independent claim 45 to even more particularly point out various capabilities of the claimed method relating to operation of the crew engine and the fleet engine, and further that both the processing subsystem is being used to implement both in parallel. For the Examiner's convenience claim 45 is reprinted below as follows:

45. (Currently Amended) A method for rescheduling passengers scheduled for travel on at least one affected mobile platform when a scheduling disruption occurs, the method comprising:

providing scheduling information in a computer readable medium for the at least one affected mobile platform and for other mobile platforms to a computer system that implements an integration engine;

using the integration engine and the scheduling information to generate a disruption specification based upon an event, the disruption specification including data identifying passengers and crew members needing to be rescheduled from travel on an initial mobile platform, and penalty cost information relating to available actions that may be taken to recover from the disruption and to rebook passengers on [[an]] two or more alternative itineraryitineraries;

simultaneously in parallel, using a processing subsystem to implement ~~at least two of:~~

a fleet engine to obtain information from the integration engine regarding the disruption specification, and to generate information relating to alternative mobile platforms that are available for use in connection with a new itinerary;

a crew engine to obtain information from the integration engine regarding the disruption specification, and generate information relating to constraints for crew members scheduled to travel on the initial mobile platform; [[and]]

the crew engine and the fleet engine each eliminating a subset of initial potential recovery solutions that do not meet any one of feasibility or legality consideration, and to generate a plurality of possible recovery solutions;

using a passenger engine to receive the possible recovery solutions and to generate information relating to constraints affecting passengers scheduled for travel on the initial mobile platform; and

wherein at least one of the fleet engine, the crew engine and further using the passenger engine to generate one of an overall solution or a plurality of ranked rescheduling solutions for a group comprising one of the passengers or the crew members.

It is most respectfully submitted that the method of claim 45 is definitely not rendered obvious by the above cited combination of references. Slivka has been commented on in significant detail in previous responses, but it bears repeating that Slivka is strictly limited to attempting to re-book paying customers principally in accordance with their initial fare status (i.e., first class, coach, etc.). Slivka has absolutely nothing to do with attempting to accommodate flight personnel while considering crew constraints, as well as ***feasibility or legality considerations***. Slivka also does not provide or even suggest anything relating to using a "crew engine" or a "fleet engine", together with a passenger engine, to consider limitations on the crew members and limitations on the fleet of mobile platforms available for potential resecheduling purposes. Moreover, Slivka does not disclose or suggest using a crew

engine and a fleet engine to each eliminate a subset of potential recovery solutions that do not meet feasibility or legality considerations. Finally Slivka does not disclose or suggest using the passenger engine to generate one of an overall solution or a plurality of ranked rescheduling solutions for a group comprising one of passengers or crew members.

Yu is directed strictly to considerations for accommodating crew members when a flight disruption occurs. There is simply nothing in Yu to suggest using its teachings in combination with Slivka to address rescheduling both crew members and paying passengers when a flight disruption occurs. Furthermore, it is respectfully submitted that the Examiner has not identified any motivation or nexus that would have suggested to one of ordinary skill in this art the desirability of combining the teachings of these two references as the Examiner has done in this instance.

The Examiner is also encouraged to reconsider that claim 45 now calls for using in parallel *all of the crew engine, fleet engine and passenger engine* in determining the rescheduling solutions. Independent claims 52 and 53 include a similar limitation. The Examiner has shown no teaching or any suggestion from the references as to using each of a fleet engine, a crew engine and a passenger engine simultaneously in parallel. The undersigned notes on page 6 of the outstanding Office Action the Examiner's remark that: *"While Slivka does not explicitly disclose that the above steps are done simultaneously in parallel, there is nothing [sic] the method as performed by Slivka would preclude the flight and passenger information being obtained simultaneously and in parallel. The decision to perform the steps simultaneously and in parallel is a mere design choice"* The undersigned most respectfully dissents from

this determination and notes that just because it would not be impossible for a reference to be modified to perform like that of the claimed subject matter, this does not make it obvious to so modify the reference. Moreover, it is most respectfully asserted that it is not the responsibility of the Applicant to explain away a “negative” conclusion, but rather the responsibility of the Examiner to positively explain why it would have been obvious to make the claimed structure or perform the claimed method in view of the cited reference. In this instance, the Examiner has merely concluded that it would *not* have been impossible to modify Slivka to use two or more different engines in parallel, and so therefore it would be obvious to do so. As the Examiner can surely appreciate, this is just not the law of obviousness.

Dependent claim 52 has been amended to expressly include:

using at least one of the crew engine and the fleet engine to consider constraints relating to a legality and a feasibility of potential rescheduling solutions relative to the disruption specification;

Again, there is nothing in either the Slivka or Yu references to suggest combining such a limitation with the parallel use of a passenger engine.

Independent claim 53 has not been amended, however, it will be noted that this claim already calls out the simultaneous operation of the crew and passenger engines, as well as generating two distinct subsets of rescheduling solutions: one subset where the rescheduling solutions are deemed to be acceptable for the passengers, and the other where the rescheduling solutions are deemed to be unacceptable.

Finally, with regard to the Examiner's combining of the Slivka and Yu references, If there had been some remote suggestion in Slivka as to combining its teachings with additional subsystems that analyze one of crew and fleet considerations, then the

undersigned could understand the Examiner's decision to combine the teachings of the Slivka and Yu references, but such a situation is clearly not present in this instance. It is most respectfully asserted that the Examiner is using hindsight reconstruction to combine the "bits and pieces" of the Slivka and Yu references to construct the present obviousness rejections. In view of the foregoing, reconsideration and withdrawal of this rejection is most respectfully requested.

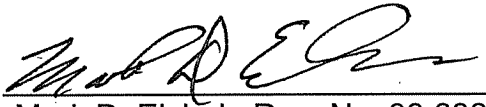
Claim 49 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Slivka in view of Yu in further view of Official Notice. Claims 53-54 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Slivka in view of Yu in further view of Yu et al. (U.S. Pat. No. 6,408,276; hereinafter "Yu II"). In view of the amendments to independent claims 45 and 52, and the remarks presented above, it is believed that these rejections have been rendered moot.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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